

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

‘O’

JS-6

Case No.	CV 12-5846 CAS (AGRx)	Date	December 27, 2012
Title	NANCY-TRIPP JOHNSON v. JPMORGAN CHASE BANK, N.A.		

Present: The Honorable	CHRISTINA A. SNYDER	
Catherine Jeang	Not present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
Not present	Not present	

Proceedings: (In Chambers:) ORDER DISMISSING CASE FOR FAILURE TO COMPLY WITH PLEADING REQUIREMENTS AND THE COURT’S ORDERS

On July 6, 2012, pro se plaintiff Nancy-Tripp Johnson filed a document styled as a complaint but captioned as a “Motion for Production of Documents.” Dkt. No. 1.¹ Plaintiff named JPMorgan Chase Bank, N.A. as defendant. Id.

Federal Rule of Civil Procedure 8(a) states that a pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the Court’s jurisdiction; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief. Fed. R. Civ. P. 8(a); Local Rule 8.

Plaintiff failed to provide a basis for the Court’s exercising jurisdiction, did not assert any claims against defendant, and did not pray for any forms of relief. Plaintiff only requested various documents from defendant. However, because she cannot proceed to the discovery stage without formally initiating a lawsuit, the Court ordered plaintiff to show cause why her complaint should not be dismissed for failing to comply with Fed. R. Civ. P. 8(a). Dkt. No. 6.²

¹ The Court notes that plaintiff filed a nearly identical complaint in the Central District on July 6, 2012. See No. 2:12-cv-5849-ABC, Dkt. No. 1. Plaintiff’s complaint was dismissed for failing to comply with Rule 8. Dkt. No. 5

² For substantially the same reasons as those outlined in the Court’s order to show cause, defendant filed a motion to dismiss on October 9, 2012. Dkt. No. 10.

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On August 27, 2012, plaintiff responded to the Court’s order to show cause by filing a motion for reconsideration. Dkt. No. 8. Plaintiff’s filing purports to state two claims, one apparently on the basis of defendant agreeing to a loan modification, and the other under the Real Estate Settlement Procedures Act (“RESPA”) and Truth in Lending Act (“TILA”). Dkt. No. 8. Plaintiff also asserts that this Court has jurisdiction over her claims. However, even deeming this motion to be an amended complaint, it is not responsive to the Court’s order to show cause—plaintiff was required to file a complaint that complies with Rule 8 for this action to proceed. Therefore, on October 29, 2012, the Court dismissed plaintiff’s complaint without prejudice for failure to comply with this Court’s show cause order and Federal Rule of Civil Procedure 8(a). Dkt. No. 13. The Court noted that plaintiff was required to file a complaint by November 28, 2012, complying with Rule 8 if she intended to proceed with this action. Id. Plaintiff has yet to respond to this Court’s most recent order.

Accordingly, because plaintiff has not stated a claim against defendant or complied with this Court’s orders, the Court must DISMISS this case WITH PREJUDICE.

IT IS SO ORDERED.

Initials of Preparer

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